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7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 CHAD DUGGINS,

15 Defendant.
16

Case No. 1:22-mj-00112-BAM

**STIPULATION TO MODIFY BRIEFING
SCHEDULE; ORDER**

17 IT IS HEREBY STIPULATED, by and between the parties through their respective
18 counsel, Assistant United States Attorney Jeffrey Spivak, counsel for plaintiff, and Assistant
19 Federal Defender Reed Grantham, counsel for Chad Duggins, that the previously set briefing
20 schedule on the government's December 11, 2023 motion to dismiss be modified in accordance
21 with the following.

22 On December 11, 2023, the government moved to dismiss this case pursuant to Rule
23 48(a) of the Federal Rules of Criminal Procedure, and did so "for reasons related to the mental
24 condition of [Mr. Duggins]," citing to 18 U.S.C. § 4246(a). Dkt. #27 at 2. On December 14,
25 2023, the Court set a hearing date for the government's motion on February 9, 2024, at 10:00
26 a.m.. See Dkt. #28, #29.

27 On January 5, 2024, in accordance with a stipulation submitted by the parties, the Court
28 set a briefing schedule on the government's motion to dismiss. See Dkt. #31. Thereafter, on

January 16, 2024, the Court, after consultation with the parties, issued a minute order, re-setting the hearing on the government's motion to dismiss for February 23, 2024, at 10:00 a.m.

In light of the change of the hearing date from February 9, 2024, to February 23, 2024, the parties hereby stipulate and agree to modify the previously set briefing schedule as set forth below:

- Defense opposition to be filed on or before February 9, 2024
- Any government reply to be filed on or before February 16, 2024

These dates are mutually agreeable dates for the parties and the parties make this request with the intention of conserving time and resources for both the parties and the Court.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: January 18, 2024

/s/ Jeffrey Spivak
JEFFREY SPIVAK
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: January 18, 2024

/s/ Reed Grantham
REED GRANTHAM
Assistant Federal Defender
Attorney for Defendant
CHAD DUGGINS

ORDER

IT IS SO ORDERED. The briefing schedule on the government's motion to dismiss is hereby modified in accordance with the parties' stipulation above. The defense's opposition is to be filed on or before February 9, 2024. Any government reply is to be filed on or before February 16, 2024.

IT IS SO ORDERED.

Dated: **January 18, 2024**


UNITED STATES MAGISTRATE JUDGE